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E-Filed 3/22/2010

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Attorneys for Defendant
AT&T Mobility LLC f/k/a Cingular Wireless

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JONATHAN C. KALTWASSER,
on behalf of himself and all others
similarly situated,

Plaintiff,

v.

AT&T MOBILITY LLC
f/k/a/CINGULAR WIRELESS LLC,

Defendant.

) Case No. 5:07-CV-00411 JF
) **STIPULATION AND PROPOSED-CASE**
) **MANAGEMENT SCHEDULING ORDER**
) **AMENDING ORDER ENTERED ON**
) **FEBRUARY 11, 2010**
) **HONORABLE JEREMY FOGEL**
)
)
)

1 The parties, by their undersigned counsel, hereby submit the following stipulation and
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On February 11, 2010, this Court entered an Amended Case Management Scheduling
4 Order [Document 106] adopting the parties proposed schedule [Document 105], requiring Plaintiff's
5 Motion for Class Certification and Supporting Memorandum to be filed by February 26, 2010,
6 Defendant's Opposition thereto to be filed by April 2, 2010, Plaintiff Reply thereto to be filed by
7 April 23, 2010, and setting a motions hearing on class certification for May 7, 2010, at 9:00 a.m.

8 2. Plaintiff filed his Motion for Class Certification and Supporting Memorandum on
9 February 26, 2010. [Document 108.] In support of that Motion, Plaintiff also submitted the expert
10 declaration of Gary C. French, Ph.D (under seal) with multiple exhibits (filed under seal.) In order
11 to adequately respond to Plaintiff's submission of expert testimony, Defendant will need to depose
12 Dr. French, engage its own expert, and tender its own expert testimony. To do so, Defendant
13 believes additional time will be necessary to complete these tasks prior to Defendant submitting its
14 opposition papers to class certification, which are due on April 2, 2010.

15 3. In that connection, the parties conferred with respect to extending the current class
16 certification schedule and hereby agree to and submit the following stipulation for an amended
17 schedule for completion of class discovery and for the hearing and briefing on Plaintiff's Motion for
18 Class Certification:

19 1. Defendant's opposition to the Motion for Class Certification shall be filed no
20 later than **April 16, 2010**.

21 2. Plaintiff's reply in support of his Motion for Class Certification shall be filed
22 no later than **May 7, 2010**.

23 3. The Motion for Class Certification shall be heard on **May 21, 2010, at 9:00**
24 **a.m.** in Courtroom 3, 5th Floor, United States Courthouse, 280 S. First Street, San Jose,
25 California.
26
27

The Parties respectfully request that the Court enter this Stipulation.

Dated: March 15, 2010

AGREED TO BY:

**SPECTER SPECTER EVANS
& MANOGUE, P.C.**

By: /s/ Joseph N. Kravec
Joseph N. Kravec, Jr. (*pro hac vice*)
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Attorneys for Plaintiff and the Class

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By: /s/ Nathan L. Garroway
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*Attorneys for Defendant ATT Mobility f/k/a
Cingular Wireless LLC*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

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3 **Dated: March ²², 2010**

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Honorable Jeremy Fogel

CERTIFICATE OF SERVICE

This is to certify that on March 15, 2010, I electronically filed the within and forgoing **Stipulation and [Proposed] Order Amending the Case Management Scheduling Order Entered on February 11, 2010** with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

Ira Spiro
James Mark Moore
Michael David Braun
Felicia Feng
Joseph Kravec
David Balser
Nathan Garroway
Janet Lindner Spielberg
Donald M. Falk
Wyatt A. Lison

By: /s/ Nathan L. Garroway
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